

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 51

March 17, 1999, 2:19 p.m.  
Page S-2820 Temp. Record

## NATIONAL MISSILE DEFENSE/Final Passage

**SUBJECT:** National Missile Defense Act of 1999 . . . S. 257. Final passage, as amended.

**ACTION: BILL PASSED, 97-3**

**SYNOPSIS:** As amended and passed, S. 257, the National Missile Defense Act of 1999, will enact the following statement:  
"It is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense." The Act will also reaffirm that it will still be the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

**Those favoring** final passage contended:

We are pleased that President Clinton has dropped his veto threat, and we are pleased that as soon as he made that announcement Democratic opposition to this bill miraculously evaporated. Democrats have flip-flopped--after years of filibustering this bill, they now say they support it. Our hope is that the President really intends to support the deployment of a missile defense system (and where he goes Senate Democrats typically follow), though we do not trust him. Just because he signs this measure saying it will be the United States policy does not mean he has the slightest intention of living up to his word by actually implementing the policy. Passage of this measure will probably be only the first battle in a long war.

President Clinton and his Democratic allies in Congress have viscerally opposed this measure for years because they believe, against all common sense, that it will reignite a nuclear arms race with Russia. Their basis for that belief is that building a limited national ballistic missile defense system will violate the Anti-Ballistic Missile (ABM) Treaty that the United States had with the former Soviet Union. That treaty was based on the Mutual Assured Destruction (MAD) theory, which held that if the United States

(See other side)

YEAS (97)				NAYS (3)		NOT VOTING (0)	
Republican (55 or 100%)		Democrats (42 or 93%)		Republicans (0 or 0%)	Democrats (3 or 7%)	Republicans (0)	Democrats (0)
Abraham	Hutchinson	Akaka	Johnson		Durbin		
Allard	Hutchison	Baucus	Kennedy		Leahy		
Ashcroft	Inhofe	Bayh	Kerrey		Wellstone		
Bennett	Jeffords	Biden	Kerry				
Bond	Kyl	Bingaman	Kohl				
Brownback	Lott	Boxer	Landrieu				
Bunning	Lugar	Breaux	Lautenberg				
Burns	Mack	Bryan	Levin				
Campbell	McCain	Byrd	Lieberman				
Chafee	McConnell	Cleland	Lincoln				
Cochran	Murkowski	Conrad	Mikulski				
Collins	Nickles	Daschle	Moynihan				
Coverdell	Roberts	Dodd	Murray				
Craig	Roth	Dorgan	Reed				
Crapo	Santorum	Edwards	Reid				
DeWine	Sessions	Feingold	Robb				
Domenici	Shelby	Feinstein	Rockefeller				
Enzi	Smith, Bob	Graham	Sarbanes				
Fitzgerald	Smith, Gordon	Harkin	Schumer				
Frist	Snowe	Hollings	Torricelli				
Gorton	Specter	Inouye	Wyden				
Gramm	Stevens						
Grams	Thomas						
Grassley	Thompson						
Gregg	Thurmond						
Hagel	Voinovich						
Hatch	Warner						
Helms							

### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

and Russia each had the ability, if attacked, to counter-attack and destroy the other, then neither side would ever attack. Further, once each side had that counter-attack capability both sides would stop building nuclear bombs, and a balance of terror would prevail. If either side were to start working on defenses, though, then the other side would have to make more bombs to overcome those defenses. It is on the basis of this MAD theory that the ABM Treaty was signed. Each country was allowed to design one or two small missile defense sites, with a maximum of 200 interceptors, and the sites could provide only local, not regional or national, protection. At the time, Russia had about 2,000 nuclear warheads targeted on the United States.

The treaty was signed in 1974. The United States built a defense and quickly abandoned it. The Soviet Union built a defense around Moscow which Russia maintains to this day with the maximum number of interceptors. According to the MAD theory, signing the ABM Treaty should have stopped the nuclear arms race. Instead, that race took off, especially in the Soviet Union. The next 10 years saw an unprecedented increase in that country's production of nuclear weapons. Many defense experts believe that the Soviet Union clearly was trying to establish a first-strike capability that would destroy the United States' ability to counter-attack. President Reagan then announced his Strategic Defense Initiative to build a missile defense system that would protect Americans against the Soviet arsenal. Suddenly, the Soviet Union was willing to negotiate on arms reductions rather than on just limiting the rate of increase in nuclear weaponry. Democrats fought President Reagan's efforts bitterly, and managed to stop funding whenever a program showed promise. Still, the United States gained a great deal of technical expertise on a wide variety of proposed defenses.

In 1991, under the Bush Administration, Congress passed a measure calling for the deployment of a limited ballistic missile defense system by 1996. In 1992, Russia eagerly joined in negotiations with the United States to make changes to the ABM Treaty that would have allowed limited national defense systems to be made by each side (the Soviet Union collapsed in 1991; the ABM Treaty was with the Soviet Union, not Russia; it is open to dispute as to whether the treaty is still valid; President Clinton has negotiated an agreement with Russia to continue following the ABM Treaty, but he has refused to submit it to the Senate for ratification). As soon as President Clinton was elected though, and to Russia's great surprise, he stopped those negotiations. With both Houses of Congress controlled by Democrats, he also slashed funding for a national missile defense system by 77 percent. When Republicans took over both Houses in the 104th Congress they tried to reestablish the policy of deploying a limited national missile defense system. President Clinton vetoed a measure that would have done so, and then for the next 3 years pressured Senate Democrats into filibustering further efforts. President Clinton eventually began to follow the so-called "3+3" policy of continuing research for 3 more years, with the intention of afterwards having the option of deploying a system within 3 years. Under the Clinton plan, the earliest deployment completion date would be in 2003. The decision as to whether that deployment will occur is supposed to be announced within a year, but the Clinton Administration has already indicated that it is pursuing a plan that will not have a completion date before 2005.

It would be reckless to wait that long. Since the Soviet Union's collapse, Russia's control over its nuclear weapons and technology has gradually deteriorated. The danger of a lone Russian officer deciding to launch one or several missiles has greatly increased, as has the danger of an accidental launch, as has the danger that a dangerous regime may be able to buy or steal nuclear missiles. Further, we know that elements within Russia that have nuclear and missile expertise have been helping Iran.

Russia does not pose the only immediate danger or near-term danger to the United States. North Korea launched a missile last August that flew 4,000 miles. That missile could hit Alaska or Hawaii. The successor missile being developed by North Korea, the Taepo Dong 2, will be capable of striking targets up and down the West Coast and may be ready to test within months. North Korea also has had a very aggressive nuclear weapon development program (even after being given a massive bribe by the Clinton Administration and other countries to stop). According to press reports, last year it was discovered that North Korea has a large, underground complex at which up to 15,000 people were busily employed in developing nuclear weapons. (For related debate, see 103rd Congress, second session, vote No. 200, and 104th Congress, second session, vote No. 247, and 105th Congress, second session, vote No. 257.) The North Korean government is exceedingly dangerous. No Senator denies that it sells missile technology to terrorist nations or that it has itself engaged in numerous acts of terrorism, or that it has a Stalinist, violent government that brutally oppresses its own citizens, or that its secretive leader may well be certifiably insane, or that it regularly and consistently violates international agreements. We may well celebrate the dawn of the new millennium by having a crazed dictator with the ability, should he so desire, to fire nuclear missiles at population centers on the West Coast that contain 50 million Americans.

Yet another immediate threat is from China, which has nuclear missiles that can strike the West Coast. This barbaric communist nation may well pose greater dangers to the United States than any other country. China brutally oppresses its own citizens and it threatens its neighbors with military attack and occupies Tibet. Most recently, we have learned that through espionage China has stolen the technology and plans needed to make the W-88, which is the United States' most advanced nuclear warhead. Much of the espionage appears to have taken place in the 1980s. China then conducted nuclear tests in April, 1995 that made United States officials suspect that it had acquired W-88 technology. Intelligence officials began investigations, developed a short list of suspects, and recommended a series of measures to improve security. However, top Administration officials and the President appear to have stonewalled and delayed their efforts. Security was not improved at all until the summer of 1998. Perhaps the most disturbing allegation we have heard came from Mr. Trulock, who headed up the counter-intelligence effort for the Department of Energy. He testified before a House investigative committee that he was ordered by the Acting Secretary of Energy not to give information to Congress on the espionage matter.

MARCH 17, 1999

VOTE NO. 51

The Clinton Administration, beyond any doubt, had information showing that China had stolen the United States' most advanced nuclear secrets, and it did not make public that information, it did not give Congress that information, and it did not act on that information. Instead, during this period of time President Clinton was fighting congressional efforts to pressure China to enact human rights, political, military, and trade reforms. He was advocating a policy of "constructive engagement" and calling China the United States' "strategic partner." Also, at this very same time that he knew that China had very likely stolen the plans for the W-88, he was fighting, with strong opposition from many Members of Congress who had no idea of the espionage, to loosen export controls on satellite and super-computer sales to China. Thanks to those efforts by President Clinton, China now reportedly has been able to build advanced guidance systems for its missiles and to deploy multiple warheads on a single rocket. Sinologists like to talk about how important it is for China to "save face," and to theorize that overlooking any monstrous or dangerous behavior by China will help so-called "moderates" in the Chinese government take over. The President, and most Members, embrace this theory, perhaps because it allows them to continue supporting trade with China that benefits key big businesses (though we submit that America is ill-served by the \$80 billion in yearly trade with China, because it results in a nearly \$60 billion trade deficit, due largely to that country's unfair trade practices). This policy of trying to influence some perceived palace intrigues in China's communist government is about as effective as reading tea leaves, but it is the policy that has been followed by the Clinton Administration for the past 6 years, with disastrous results. Looking not at intent, but at those results, the Clinton Administration's foreign policy seems to have been designed to pump American money and technology into China to create a huge new malignant communist superpower that will be able to threaten the United States with annihilation. Threaten it does--when China recently tried to intimidate Taiwan, including by lobbing missiles over it, one Chinese general warned the United States not to interfere if it did not want to lose Los Angeles.

In addition to the immediate threats from Russia, North Korea, and China, Americans will likely soon face threats from nuclear, chemical, and biological missiles from two or three dozen more countries that are working feverishly to develop them. Many of those countries, including Iraq, Iran, and Libya, are rabidly anti-American and are led by fanatical rulers who have often shown little regard for the lives of their own citizens. Iraq has even engaged in genocidal attacks against its own people. What good would a policy of Mutual Assured Destruction do against a dictator who himself has engaged in genocide against his own people? Many of those leaders have already made clear that they want those missiles to threaten the United States, and that they will be very willing to use them. Iran's missile development program is advancing so rapidly that it will likely have a missile within a year that will be able to strike most of Europe, and we doubt that Iraq is far behind, if it is behind at all. The Arab countries do not have to rely only on their own development capabilities--they are able to buy information and equipment from Russia, China, and North Korea. As if all of these threats were not enough, there is a very grave danger that terrorist groups will be able to acquire nuclear missiles. In that case, what good would the MAD theory do? How could the United States threaten massive nuclear retaliation against a group that had no territory of its own?

With all of this information as background, we turn now to the arguments against this bill. Over the past several years, opponents have said: that violating the ABM Treaty by deciding to deploy a missile defense would result in a new arms race; that the United States had at least 10 to 15 years before it would face any new ballistic missile threats so there was no need to make a decision about deploying a system for many years; that the threat from any future ballistic missile attacks was a remote threat compared to equally dangerous threats; that it would be too costly to make a defense; and that it would probably be impossible to ever make an effective defense. They have spent most of the time on the first argument. They have used their old MAD theory, and have said that certain statements that have been made by some Russian officials prove that their theory is right. Those officials have said that Russia will not ratify the START II agreement if the ABM Treaty is abandoned. Our colleagues are correct that those officials have made those statements, but they need to look at them in context. First, the Russians have made the same START II threat on a wide variety of issues. They have used it frequently because they know it is a strong bargaining chip with the United States, and they have typically used it to try to secure more aid. That fact brings us to our second point. Russia is in dire economic circumstances. Whether it signs START II or not, it is going to have to make huge cuts in its nuclear forces because it cannot afford to keep them. Last summer its Defense Minister said that Russia, for economic reasons, will not be able to maintain more than 1,500 strategic warheads by 2010. It has 6,000 now; if it cuts to START II levels, it will have 3,500. When Russian negotiators meet with our negotiators, they typically and understandably ask for negotiations on START III in order to try to get nuclear levels down to the range that Russia is going to have to adopt no matter what. In short, the fears of a new arms race are nonsense--Russia cannot afford it.

Further, even if it could afford it, why should it? Our liberal colleagues have steadfastly insisted that Russians are wetting their pants at the thought of the United States developing a defense system that could shoot down all of their nuclear missiles. The system that we are advocating with this bill, though, is to be able to stop a small-scale attack, not a massive attack. The United States faces a large and growing threat of being struck by one or a few missiles, but it does not face much danger from a large attack from Russia, which is now its ally. The United States gives it foreign aid, and it is helping it develop a market economy. Though Russia does not yet have a stable, mature democracy, it has a democracy. Further, Russia has a very great interest in developing even closer relations with the United States and gaining access to this technology. It shares borders with many of the insane nations and terrorist groups of the world, and it could very easily be targeted by them. It has at least as much interest in having this technology exist as does the United States. Even if Russians harbored a suspicion that the United States was secretly working on a "breakout" technology that would allow it to suddenly deploy a defense that could effectively shoot down thousands of missiles, why should they care? The

United States would not then destroy Russia. It would not have done so in the 1980s, when we supported the Strategic Defense Initiative to make such a defense system, and it certainly would not do so now that Russia is its ally.

This year, our colleagues' argument about the immanency of the threat of a limited ballistic missile attack against the United States has changed. The Clinton Administration has admitted that its earlier estimates were wrong, especially with regard to the threat from North Korea. Our colleagues have likewise admitted that they were wrong. However, they are still repeating a lot of their old rhetoric about the supposedly high cost and likely ineffectiveness of a system as well as their argument that there are greater threats that need to be guarded against, such as a terrorist group smuggling a nuclear bomb into the United States and detonating it. Our positions on these issues have been constant. If a nuclear missile were to destroy Los Angeles, New York City, or Washington, D.C., millions of lives would be lost. If we can build a system that can prevent such destruction, even if it costs tens of billions of dollars, then we believe we are morally bound to do so. Should we guard against terrorists smuggling in nuclear weapons? Absolutely. The choice is not either/or--in fact, we do not even think it is a choice--we must provide protection against both possible attacks. The arguments about whether an effective system can be built get weaker every year. The old line, that it is impossible to hit a bullet with a bullet, clearly is not true. Many technologies have been abandoned over the years that can get the job done. The Patriot system, for instance, which was used with some success in the Persian Gulf War against tactical missiles, has been steadily improved. A recent modification to that system successfully proved just 2 days ago that it can be used to shoot down strategic, intercontinental ballistic missiles. Our colleagues have also always misstated the costs involved in building an effective defense. Certainly an enormously expensive defense could be made, but just as certainly much cheaper effective defenses could be made as well. It just depends on which technologies are pursued. Both the Navy and the Ballistic Missile Defense Organization, for instance, have estimated that spending just \$300 million more per year on the Upper Tier Program would make it possible to have an effective deployed defense based on the Aegis fleet between 2003 and 2005. Similarly, many proposed missile defense systems would have a much lower cost and a much sooner completion date if the Air Force quit delaying the development of the Space-Based Infrared System, which could prove to be a vital part of a missile defense. The Administration, for its part, seems intent on stopping any developments that most clearly go against the old ABM Treaty with the Soviet Union. It has been looking primarily at a plan to have a single ground-based site with a very limited number of interceptors. The Administration appears to be pursuing an option that is more costly and less effective than other options for reasons that are related to the ABM Treaty.

We need not to go into any detail on any of the arguments about which system to develop. Those arguments will be addressed through the normal authorization and appropriations process. The main logjam that we have broken with this bill is that we are no longer making the deploying of a limited missile defense system contingent on first getting Russia's agreement to change the ABM Treaty. With this bill, we are telling the world that the United States, as soon as it is able to deploy an effective defense, will do so. We are pleased to vote in favor of final passage.

**While favoring final passage,** some Senators expressed the following reservations:

Recent developments have shown that the threat posed to American citizens from ballistic missile attacks is growing at a rate far greater than experts predicted just a year ago. That fact has caused our position on the deployment of a missile defense to shift slightly. Still, though, four key issues need to be addressed before we commit to deploying a defense system. First, and most importantly, we need to assess whether deploying a system will cause more danger to Americans than it will give them in new security. Russia has thousands of warheads, it has many anti-American communists and nationalists, it has a weak economy and a weak government, and it has deteriorating control over its nuclear weaponry. The danger of a small or large scale attack from Russia against the United States is perhaps greater now than it was during most of the Cold War. Further, as our colleagues admit, there is a grave danger of elements hostile to the United States gaining Russian weapons and technological expertise. We have a program in which Russia is allowing us to come in and dismantle their nuclear weapons; our top priority should be to keep that program going and growing. If Russia opposes us building a missile defense, it may stop us from dismantling their nuclear weapons. Thankfully, an amendment that was added to this bill states that the United States will continue to pursue nuclear arms reductions negotiations with Russia. We would rather that there were a clear nexus between arms control and missile defense, but we think that our colleagues have made a significant compromise by accepting that amendment. The next issue that needs to be addressed, that we should not make a decision to deploy until we know the system will be operationally effective, is covered in the bill as introduced, which states that the system must be effective. That statement obviously covers operational effectiveness. The third and fourth issues that must be covered are cost and the relative threat posed by ballistic missiles. Our colleagues offered an amendment to clarify that any decisions to deploy a system will be made through the normal authorization and appropriations process, during which time decisions on cost and relative threat will be made. The President, after looking at how this bill has been amended, has concluded that it is now supportable. We agree.

**Those opposing final passage** contended:

We must oppose this bill because it does not make the deployment of a limited national missile defense system contingent upon

**MARCH 17, 1999**

**VOTE NO. 51**

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an agreement first being reached to modify the ABM Treaty to allow such a deployment. Failing to amend the ABM Treaty first could stop all Russian arms reductions and start a new arms race. We cannot take that risk, and thus oppose this bill.